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II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

Claims 1 and 11 have been amended. Claims 6-8 have been cancelled. Accordingly, claims 1-3, 5, and 9-12 remain pending.

Claim Objections

Claim 11 has been amended in accordance with the Examiner's suggestions to overcome the noted informalities. Accordingly, Applicants respectfully request withdrawal of the objection to claim 11.

Claim Rejections - 35 U.S.C. §103(a)

Claims 1, 5, 9, and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,179,148 to Roth, in view of WO 00/56564 to Walter with U.S. Patent No. 6,606,980 as the English equivalent.

Roth teaches a reservoir that is unitarily molded with the wall of the tank. Therefore, the Examiner is relying on Walter to provide a non-integral reservoir unit. In Walter, the reservoir is assembled within the tank from a plurality of individual portions each of which is separately inserted through the tank opening. (Col. 3, Ln. 66 - Col. 4, Ln. 17) Walter only contemplates a blow molded or presealed tank, evidenced in that Walters defines that each of the modules of the reservoir "must be so dimensioned that it can be passed through the opening 17 in the tank wall 16." (Col. 4, Ln. 12-14).

Claim 1 provides for "sealing the connecting said first and second shell portions to form a fuel tank to enclose said reservoir assembly within said fuel tank after fixing said reservoir assembly to one of said first and second shell portions." The combined features of this claim are not suggested or motivated by the references for several reasons. First, Walter teaches a blow molded tank assembly, not a tank assembly with a first and second shell portion. With such a construction, it is imperative that the various components of the reservoir be dimensions so as to fit within the opening provided within the tank and thereafter

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assembled together. However, even reading the first and second shell portion from the Roth reference into Walter, there is no motivation to fix the reservoir assembly to one of the shell portions prior to sealing the first and second shell portions. To the contrary, in Roth the reservoir tank is unitary with the bottom wall of the tank and in Walter teaches that each of the modules of the reservoir assembly is connected to each other inside the already sealed tank.

With respect to claim 9, the limitation of "said reservoir assembly being attached to at least one of said thermal formed shell portions" is provided. While Walter teaches a member extending from the wall of the fuel tank to locate the reservoir assembly, Walters does not teach attaching the reservoir assembly to the thermoformed shell. (Col. 4, Ln. 24-29) Therefore, Walters does not teach or suggest the present invention as provided in claim 9.

Claims 5 and 12 are dependent directly from claims 1 and 9 respectively, and are therefore patentable for at least the reasons given above in support of claims 1 and 9. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1, 5, 9, and 12.

Claims 2, 3, 7, 8, and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Roth in view of Walter as applied to claims 1, 6, and 9 above, and further in view of 2002/0020487 to Vorenkamp et al. (Vorenkamp).

The Examiner relies on Vorenkamp to reject claims 2, 3, and 11. Applicants respectfully submit that Vorenkamp was assigned or under the obligation to be assigned to Visteon Global Technologies, Inc., the assignee of the instant application at the time of invention. Therefore, Vorenkamp is unavailable to limit the patentability of claims 2, 3, and 11 as defined by 35 U.S.C. §103(c). In support therefore, a copy of the recorded assignment of Vorenkamp, in Appendix A, and the recorded assignment of the present application, in Appendix B, is provided. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2, 3, and 11.

Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over Roth in view of Walter as applied to claim 9 above. Claim 10 depends directly from claim 9 and is therefore patentable for at least the reasons given above in

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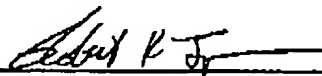
support of claim 9. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 10.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

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